IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.68 OF 2005

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L & T Finance Ltd. ...Petitioner

v/s

Madhya Pradesh State Road
Transport Corporation ...Respondent

...

Ms.Shakuntala Joshi for the Petitioner.
None for the Respondent.

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CORAM: D.K.DESHMUKH, J.

DATED: 21ST MARCH,2005

P.C.:

1. This petition is filed under Section 9 of the Arbitration Act. According to averments in the petition, notice dated 29-1-2005 was issued to the Respondent by the advocate for the Petitioner calling upon him to pay the amount. Arbitration clause admittedly has not been invoked. According to arbitration clause the Petitioner has power to appoint the sole arbitrator. No reason has been disclosed in the petition that why despite notice dated 29-1-2005, though the Respondent has not paid the amount, still the appointment of arbitration has not been made. As per the law laid down by the Supreme Court unless the Petitioner is willing to go arbitration and the court is satisfied that the Petitioner has done everything within its power to place the matter before the arbitrator, the Petitioner will not be entitled to relief under Section 9 of the Act. In the present petition, I find that no material is placed on record by the Petitioner to satisfy the court that the Petitioner has done everything within his power to place the

matter before the arbitrator.

2. In this view of the matter, therefore, no interim relief can be granted in favour of the Petitioner. Petition disposed of.

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